UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,740	04/25/2000	BENJAMIN M WESTBROOK	1018.100US1	9939

5251 7590 06/10/2004

SHOOK, HARDY & BACON LLP
2555 GRAND BLVD
KANSAS CITY,, MO 64108

EXAMINER	
DELGADO, MICHAEL A	

ART UNIT	PAPER NUMBER
2144	14

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary	Application No.	Applicant(s)	
	09/557,740	WESTBROOK, BENJAMIN M	
	Examiner	Art Unit	
	Michael S. A. Delgado	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/04 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,734,909 by Bennett.

In claim 1, Bennett teaches about a computer-implemented method for a client (Fig 2, 102) to obtain access to data under control of a server (Fig 2, 158a), the method comprising (Fig 2):

calling by a client object (application on client that needs the data) of a request lock method of a server object "processor 120" requesting access to the data (Col 7, lines 50-65);

determining by the server object "processor 120" whether to grant access to the data, wherein determining comprises (Col 7, lines 50-65),

assessing whether an additional client "client 102" has current access to the data (Col 1, lines 35-65) (Col 7, lines 50-65),

if the additional client has current access, identifying the access as exclusive or non-exclusive "share" (Col 1, lines 35-65),

deciding to grant access if the additional client access is non-exclusive "share" (Col 1, lines 35-65); and

when the server object decides to grant the access to the client object, calling by the server object a lock granted method of the client object (Col 7, lines 50-65),

such that the access by the client object is released when the client object returns the lock granted method (Col 8, lines 10-20).

In claim 2, Bennett teaches about a method of claim 1, further comprising, prior to calling by the server object of the lock granted method of the client object, deciding by the server object , to grant the access to the client object (Col 7, lines 50-65). (A decision is made as to the availability of the lock prior to issuing the lock to the client)

In claim 3, Bennett teaches about a method of claim 1, further comprising returning by the client object of the lock granted "unlock" method, such that the access by the client object is released (Col 8, lines 10-20). (Client 102 releases lock so that Client 104 can use it).

In claim 4, Bennett teaches about a method of claim 1, wherein the access requested by the client object is one of read-only access "share" and read-and-write access (Col 1, lines 35-65). (To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 5, Bennett teaches about a machine-readable medium having instructions stored thereon for execution (Fig 3, 154b) by a server object, (Fig 3, 106), governing access to perform a method comprising (Fig 3):

receiving a call from a client object (application running on client 102 that needs the data) of a request lock method of the server object "processor 120" requesting the access to data controlled by the server object (Col 7, lines 50-65);

determining to grant the access to the client object, wherein determining comprises (Col 7, lines 50-65)

assessing whether an additional client has current access to the data (Col 7, lines 50-65),

if the additional client has current access, identifying the access as exclusive or non-exclusive (Col 1, lines 35-65),

deciding to grant access if the additional client access is non-exclusive "share" (Col 1, lines 35-65) (Col 7, lines 50-65); and,

upon determining to grant the access to the client object, calling a lock granted method of the client object (Col 7, lines 50-65),

such that the access by the client object is released when the client object returns the lock granted method (Col 8, lines 10-20) (Client 102 releases lock so that Client 104 can use it).

In claim 6, Bennett teaches about a medium of claim 5, wherein the access requested by the client object is one of read-only access "share" and read-and-write access (Col 1, lines 35-65) (To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 7, Jeffords teaches about a machine-readable medium (Fig 3,102) having instructions stored thereon for execution by a client object (Fig 3,102) desiring access governed by a server object "processor 120" to perform a method comprising (Fig 3) (Col 7, lines 50-65):

calling a request lock method of the server object , "processor 120", requesting the access (Col 7, lines 50-65);

receiving a call from the server object to a lock granted method of the client object granting the access if access is available (Col 7, lines 50-65), wherein access is available if any current access is non-exclusive "share" (Col 1, lines 35-65); and;

returning the lock granted method to the server object such that the access is released (Col 8, lines 10-20) (Client 102 releases lock so that Client 104 can use it).

In claim 8, Jeffords teaches about a medium of claim 7, the method further comprising returning by the client object of the lock granted method, such that the access by the client object is released (Col 8, lines 10-20).

In claim 9 Jeffords teaches about medium of claim 7, wherein the access requested by the client object is one of read-only access "share" and read-and-write access (Col 1, lines 35-65).

(To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 10, Bennett teaches about a computerized system comprising (Fig 3):

at least one client object (Fig 3,102), each client object having a lock granted method (protocol using locks to allow common access) (Col 8, lines 1-20); and,

a server object "processor 120" governing access to data, the server object having a request lock method, wherein the request lock method of the server object determines access should be granted if any current client access is non-exclusive and if no current client access exists, (Col 1, lines 35-65) (Col 7, lines 50-65),

such that a client object (applicant running on "Client 102") requests the access to the data by calling the request lock method of the server object "processor 120", and when the server object (Col 7, lines 50-65), decides to grant the access to the client object, the server object (Col 7, lines 50-65), calls the lock granted method of the client object, the access released by the client object when the client object returns the lock granted method "unlock" (Col 8, lines 10-20) (Client 102 releases lock so that Client 104 can use it).

In claim 11, Bennett teaches about a system of claim 10, wherein the access requested by the client object is one of read-only access "share" and read-and-write access (Col 1, lines 35-65). (To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 12, Bennett teaches about a computerized system comprising (Fig 2):

at least one client object (Fig 2, 102), each client object having a client lock granted method (Col 8, lines 1-20);

a server object , "processor 122", governing access to data having a server request lock method (Col 7, lines 50-65);

an object queue "Resource Lock Repository 108" to manage the access to the data governed by the server object (Col 8, lines 1-20), by having a proxy lock granted method "Lock Wait Object 109" and a proxy request lock method (Col 8, lines 1-20), (The Proxy feature is realized in the "Resource Lock Repository 108" acting on the behalf of client 104)

such that a client object "Client 104" requests the access to the data by calling the proxy request lock "Lock Wait Object 109" method of the object queue "Resource Lock Repository 108" (communication between Client 104 and Lock Wait Object that allowed the request to be queued) (Col 8, lines 1-20), the object queue then calling the server request lock method of the server object, the server object (process 122 is made aware that Client 104 is waiting access by Resource Lock Repository 108)(Col 8, lines 10-20), then calling the proxy lock granted method of the object queue (control release from process 122) (Col 8, lines 5-15), and the object queue then calling the client lock granted method of the client object (Col 8, lines 15-25).

In claim 13, Jeffords teaches about a system of claim 12, wherein the access is released by the client object when the client object returns the client lock granted method (Col 8, lines 10-20) (Client 104 will release lock similar to Client 102).

In claim 14, Bennett teaches about a system of claim 12, wherein the access is released by the object queue "deletion of the "Lock Wait Object 109" then the object queue returns the proxy lock granted method (Col 8, lines 15-25).

In claim 15 Bennett teaches about a system of claim 12, wherein the access requested by the client is one of read-only access "share" and read-and-write access (Col 1, lines

35-65). (To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 16, Bennett teaches about a computer-implemented method comprising (Fig 4):

calling by a client object of a proxy request lock "Lock Wait Object 109" method of an object queue "Resource Lock Repository 108" requesting client access to data ultimately managed via a server object "processor 122" (Col 8, lines 15-25);

upon determining by the object queue that the object queue currently is not waiting for proxy access to the data, calling by the object queue of a server request lock method of the server object , requesting the proxy access (Col 8, lines 15-30);

when the server object , decides to grant the access to the object queue, calling by the server object of a proxy lock granted method of the object queue (Col 8, lines 5-20); and,

calling by the object queue of a client lock granted method of the client object (Col 8, lines 10-20).

In claim 17, Bennett teaches about a method of claim 16, further comprising returning by the client object of the client lock granted method, such that the client access by the client object is released (Col 8, lines 10-20) (Client 104 will release lock similar to Client 102).

In claim 18, Bennett teaches about a method of claim 17, further comprising upon determining by the object queue that the object queue is empty of client requests, returning by the object queue of the proxy lock granted method, such that the proxy access by the object queue is released (Col 8, lines 15-30).

In claim 19 Bennett teaches about a method of claim 16, wherein the client access comprises one of read-only access "share" and read-and-write access (Col 1, lines 35-65). (To change a data file by a client under exclusive access, the content of the file has to be known (read) before it can be written to which is a read-and write access).

In claim 20, Bennett teaches about a method of claim 16, wherein the proxy access consists of read-and-write access (Col 8, lines 1-20). (A read operation is required to assign job to processor 122 while a write is required to place a client on the wait list)

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,566,302 by Khalidi et al, teaches about a method for executing operation call from client application using shared memory region and establishing shared memory region when the shared memory region does not exist.

US 4,399,504 by Obermarck et al , teaches about a method and means for the sharing of data resources in a multiprocessing, multiprogramming environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

June 3, 2004

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600